

**SB 982**



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**RELATING TO LANDS CONTROLLED BY THE STATE**

Senate Committee on Hawaiian Affairs  
Senate Committee on Water, Land, and Housing  
Senate Committee on Judiciary and Labor

February 9, 2011

4:15 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SB 982. This bill requires more timely notice of, and greater specificity in, resolutions for legislative consideration involving anticipated sales, gifts, or exchange of state-controlled lands.

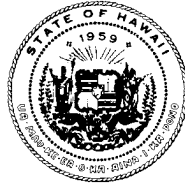
Act 176, Session Laws of Hawaii 2009, established a more comprehensive process for the sale or gift of state-owned land, and reserved a larger oversight role for the Legislature to assure that key information about certain sales, gifts, or exchanges of land is shared with the Legislature and OHA.

A key element in this process involves state departments submitting for consideration, legislative resolutions containing information as to their anticipated land transactions. The law requires that OHA receive a copy of each resolution when it is submitted to the Legislature.

During the 2010 Regular Session, substantial numbers of “Act 176 resolutions” moved through both houses of the Legislature, but OHA’s full consideration of the resolutions, in anticipation of legislative hearings, was hindered because of the limited time between OHA’s receipt of the resolutions and the Legislature’s consideration of the resolutions. Furthermore, the resolutions were not always informative regarding a matter of great interest to OHA: whether the land was formerly crown or government land of the Kingdom of Hawai’i.

SB 982 is designed to facilitate OHA’s review by requiring that the resolutions be transmitted to OHA six months prior to the convening of the Legislature and by requiring additional detail in the resolutions, including an explanation of whether the land was classed as government or crown land previous to August 15, 1895, or was acquired by the State in exchange for such lands. We respectfully suggest that requiring the additional detail could assist the Legislature in considering the potential impact of the transaction to the ceded lands corpus, the public land trust, and other key policy matters.

Therefore, we urge your Committees to PASS SB 982. Mahalo for the opportunity to testify on this important measure.



**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
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IN REPLY REFER TO:

Statement of  
**Karen Seddon**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON HAWAIIAN AFFAIRS**  
**SENATE COMMITTEE ON WATER, LAND AND HOUSING**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**

February 9, 2011 at 4:15 p.m.  
Room 224, State Capitol

In consideration of  
**S.B. 982**  
**RELATING TO LANDS CONTROLLED BY THE STATE.**

Chairs Galuteria, Dela Cruz and Hee, Vice Chairs Ryan, Solomon and Shimabukuro, and Members of the Committees on Hawaiian Affairs, Water Land and Housing, and Judiciary and Labor,

The HHFDC ***has the following concerns*** on the proposed amendments to subsections 171-64.7(c) and 171-50(c), Hawaii Revised Statutes in S.B. 982.

Section 2 of the bill adds a requirement that state agencies must include the specific purpose for which the land is being sold or given/exchanged. HHFDC normally issues a Request for Proposals (RFP) for the development of land and would seek legislative approval prior to issuing the RFP. The development concept would be known at that time and would be included in the RFP. However, the specific purpose (such as the number of units, size of units, or whether other land uses (e.g., commercial or recreation space) that are integral to the residential development will be built would not be finalized until the specific proposal is approved by the HHFDC. 171-64.7(c)(6) requires the concurrent resolution to provide a detailed summary of any development plans for the land to be sold or given. As such, we believe the proposed amendment requiring the specific purpose is not necessary and impractical to implement.

S.B. 982 also requires state departments and agencies to provide the Office of Hawaiian Affairs (OHA) with a copy of the concurrent resolution six months prior to the convening of a regular or special session. HHFDC is willing and able to provide OHA with advance information on the planned sale of land. We previously provided OHA with notice of informational briefings that were held pursuant to subsection 171-64.7(e), as well as supporting information on the land status.

However, requiring the concurrent resolution be prepared and provided to OHA six months in advance of the next Legislative Session, i.e., by June, is unreasonable. For example, if development plans change as a result of public input during the community meeting, then the concurrent resolution would also have to be changed. However, if this occurs after the six month advance deadline has passed, a housing project could be stalled for an entire year.

We support giving OHA sufficient advance notice and information, but suggest it not be in the form of the concurrent resolution. We also suggest that this bill be amended to include a more reasonable time period that allows HHFDC some flexibility in planning housing projects.

Thank you for the opportunity to testify.

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair

Senator Pohai Ryan, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING

Senator Donovan M. Dela Cruz, Chair

Senator Malama Solomon, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

All Committee Members

February 9, 2011 at 4:15pm in Room 224

SB982 Relating to Lands Controlled By the State

I support the intent of SB982, because it is long overdue for this Hawaiian concern to be addressed.

Please pass SB982.

Paulette Tam, Concerned Kaneohe Resident

# ASSOCIATION OF HAWAIIAN CIVIC CLUBS

TESTIMONY BY  
PRESIDENT SOULEE STROUD

## **IN SUPPORT OF SENATE BILL 982 Relating to Lands Controlled by the State.**

Before Joint Senate Committees on  
Water, Land & Housing and  
Judiciary and Labor  
February 9, 2011; 4:15 pm Room 224

Aloha Chairman Dela Cruz, Chairman Hee and members of the Senate joint committees on Water, Land and Housing and Judiciary and Labor. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here today to support the passage of SB 982 .

The first civic club was founded in 1918 and we continue to thrive with clubs on all islands of the State of Hawaii, 11 states on the continent and the District of Columbia. We now have sixty component clubs participating in those activities that our founders envisioned – historic preservation, education of Native Hawaiian students, protection of traditional culture and advocacy for Hawaiian Home Lands.

We have also been very active in the support and protection of the public land trust that was created with the annexation of Hawai'i by the United States in 1898. These lands, were the original public, government and crown lands of the Kingdom of Hawai'i and were taken and held in a federal trust and later with the admission of Hawai'i as a State, in a State public land trust for the benefit of the people of Hawai'i in general and the native Hawaiian people, in particular.

SB 982 proposes to amend Section 171-64.7 of the Hawai'i Revised Statutes to require additional specific information to the Legislature when state lands are proposed for sale or gift. In addition, it requires that the Office of Hawaiian Affairs be provided with a copy of the concurrent resolution proposing sale or gift of State lands six month prior to the convening of the Legislature.

We support SB 982. The Office of Hawaiian Affairs has a responsibility to promote the interests of the Native Hawaiian people. It has a constitutional and statutory responsibility for developing and coordinating programs and activities at

all levels for the betterment of conditions of Native Hawaiians. OHA meets these responsibilities, in part, through the 20% pro rata share it derives from the income of the public land trust. The monitoring of this trust and the transfer of trust lands are inherent in the fiduciary responsibility of OHA. SB 982 provides the tools necessary for OHA to do its work, just as it provides the tools for the Legislature to carry its responsibility to the larger population of the citizens of Hawaii, where the legislature is also a steward of the public land trust.

It is our hope that you will pass SB 982 and continue to protect the public lands of Hawai'i for the benefit of our people.

Thank you for your consideration of our testimony . We urge your support of this measure.

For further information please contact our Government Relations Chair, Jalna Keala at [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net) . [www.aohcc.org](http://www.aohcc.org)